



## *Report to the Auburn City Council*

Action Item	3
Agenda Item No.	
City Manager's Approval	

**To:** Mayor and City Council Members

**From:** Lance E. Lowe, AICP, Associate Planner *[Signature]*

**Date:** September 26, 2011

**Subject:** Second Reading of an Ordinance to Pre-zone property to Open Space Conservation (OSC) and Agricultural Residential, Minimum Parcel Size 2.5 (AR-2.5) acres at 880 & 890 Foresthill Avenue respectively (Files # GPA 11-2 & RE 11-2).

### *The Issue*

Should the City Council approve the Second Reading of an Ordinance to Pre-zone property to Open Space Conservation (OSC) and Agricultural Residential, Minimum Parcel Size 2.5 acres (AR-2.5) at 880 and 890 Foresthill Avenue respectively (**Attachment 1**)?

### *Conclusions and Recommendation*

Staff recommends that the City Council take the following action:

Hold a Second Reading, by title only, of an Ordinance to Pre-zone property to Open Space Conservation (OSC) and Agricultural Residential, Minimum Parcel Size 2.5 acres (AR-2.5) at 880 & 890 Foresthill Avenue respectively.

### *History/Background*

On August 22, 2011 the Auburn City Council held a duly noticed public hearing and unanimously approved a General Plan Amendment and Pre-zone for properties located at 880 & 890 Foresthill Avenue. The GPA and Pre-zone amended the General Plan land use designation from Urban Low Density Residential (ULDR) to Open Space (OS) and Rural Density Residential (RDR) and Pre-zoned the property to Open Space Conservation (OSC) and Agricultural Residential, Minimum Parcel Size 2.5 acres (AR-2.5).

A Second Reading is required to complete the processing of the Ordinance. The Ordinance becomes effective thirty (30) days following the Second Reading.

### *Alternatives Available to Council; Implications of Alternatives*

- A. Hold a Second Reading
- B. Deny the Second Reading

**Fiscal Impacts**

None

**Additional Information**

Please see the following attachments for more details:

**ATTACHMENT –**

1. Ordinance for 880 & 890 Foresthill Avenue with Pre-zone Exhibit

**EXHIBITS ON FILE WITH THE CITY CLERK**

**EXHIBIT –**

- A. August 22, 2011 City Council Staff Report with Attachments & Exhibits



# ATTACHMENT

ORDINANCE NO. 11-\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN  
PREZONING PROPERTY LOCATED AT 880 & 890 FORESTHILL AVENUE TO OPEN  
SPACE CONSERVATION (OSC) AND AGRICULTURAL RESIDENTIAL, MINIMUM  
PARCEL SIZE 2.5 ACRES (AR 2.5)

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THE CITY COUNCIL OF THE CITY OF AUBURN HEREBY FINDS AS FOLLOWS:

A. The City Council held a public hearing on August 22, 2011, to consider a Pre-zone to Open Space Conservation (OSC) and Agricultural Residential, Minimum Parcel size 2.5 acres (AR-2.5) for property located at 880 & 890 Foresthill Avenue;

B. The City Council has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Staff report prepared by the Community Development Department for the August 22, 2011 meeting;

2. Planning Commission recommendation at the July 19, 2011 Planning Commission hearing;

3. Exhibits and Plans submitted by the applicant;

4. Staff presentation at the public hearing held on August 22, 2011;

5. Public comments, written and oral, submitted at or prior to the public hearing;

6. All related documents submitted at or prior to the public hearing;

7. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes;

1 C. The Findings of Fact for Pre-zone 11-2 are:  
2 1. The Pre-zone is consistent with the General Plan;  
3 2. The Pre-zone is consistent with the public interest, health  
4 safety, and welfare of the City of Auburn;

5  
6 D. In view of all of the evidence in the record and based on the  
7 foregoing findings, the City of Auburn City Council further finds the following:

8 1. All documents and materials relating to the proceedings fo  
9 the Pre-zone (11-2) are maintained in the City of Auburn Communit  
10 Development Department; 1225 Lincoln Way, Room 3; Auburn, CA 95603;

11  
12 E. In view of all of the evidence and based on the foregoing findings,  
13 the City of Auburn City Council hereby adopts a Categorical Exemption from  
14 CEQA per Section 15301 (Existing Facilities) because this ordinance amends  
15 the City of Auburn Zoning to allow a density that reflects existing  
16 development. Therefore, it can be seen with certainty that there is no  
17 possibility that adoption of this ordinance may have a significant effect on the  
18 environment;

19  
20 THE CITY COUNCIL OF THE CITY OF AUBURN DOES ORDAIN AS FOLLOWS:

21 Section One: The City of Auburn City Council Pre-zones the propert  
22 at 880 & 890 Foresthill Avenue to Open Space Conservation (OSC) and  
23 Agricultural Residential, minimum parcel size 2.5 acres (AR-2.5). The area and  
24 property affected by the Pre-zone is more particularly shown on "**Exhibit A**  
25 attached hereto.

26  
27 Section Two: This Ordinance shall take effect thirty days following it  
28 adoption as provided by Government Code Section 36937.

1        Section Three:    The City Clerk shall certify to the passage and adoption  
2 of this Ordinance and shall give notice of its adoption as required by law  
3 Pursuant to Government Code Section 36933, a summary of this Ordinance  
4 may be published and posted in lieu of publication and posting of the entire  
5 text.

6        Section Four:    Should any provision of this Ordinance, or its  
7 application to any person, parcel or circumstance, be determined by a court of  
8 competent jurisdiction to be unlawful, unenforceable or otherwise void, that  
9 determination shall have no effect on any other provision of this Ordinance or  
10 the application of this Ordinance to any other person, parcel or circumstance  
11 and, to that end, the provisions hereof are severable.

12  
13 DATED: September 26, 2011

14  
15  
16 William W. Kirby, M.D., Mayor

17 ATTEST:

18  
19 Joseph G. R. Labrie, City Clerk

20        I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify  
21 that the foregoing resolution was duly passed at a regular meeting of the City  
22 Council of the City of Auburn held on the 26<sup>th</sup> day of September, 2011 by the  
following vote on roll call:

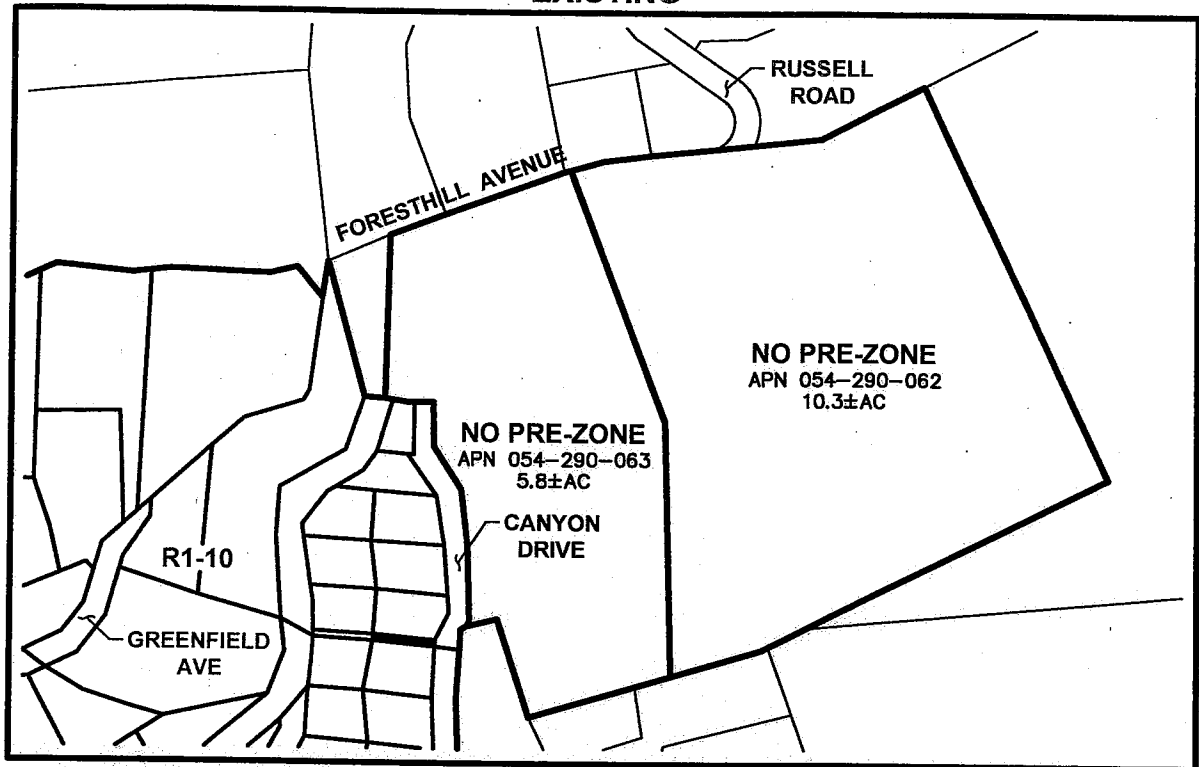
23        Ayes:  
24        Noes:  
25        Absent:

26  
27 Joseph G. R. Labrie, City Clerk

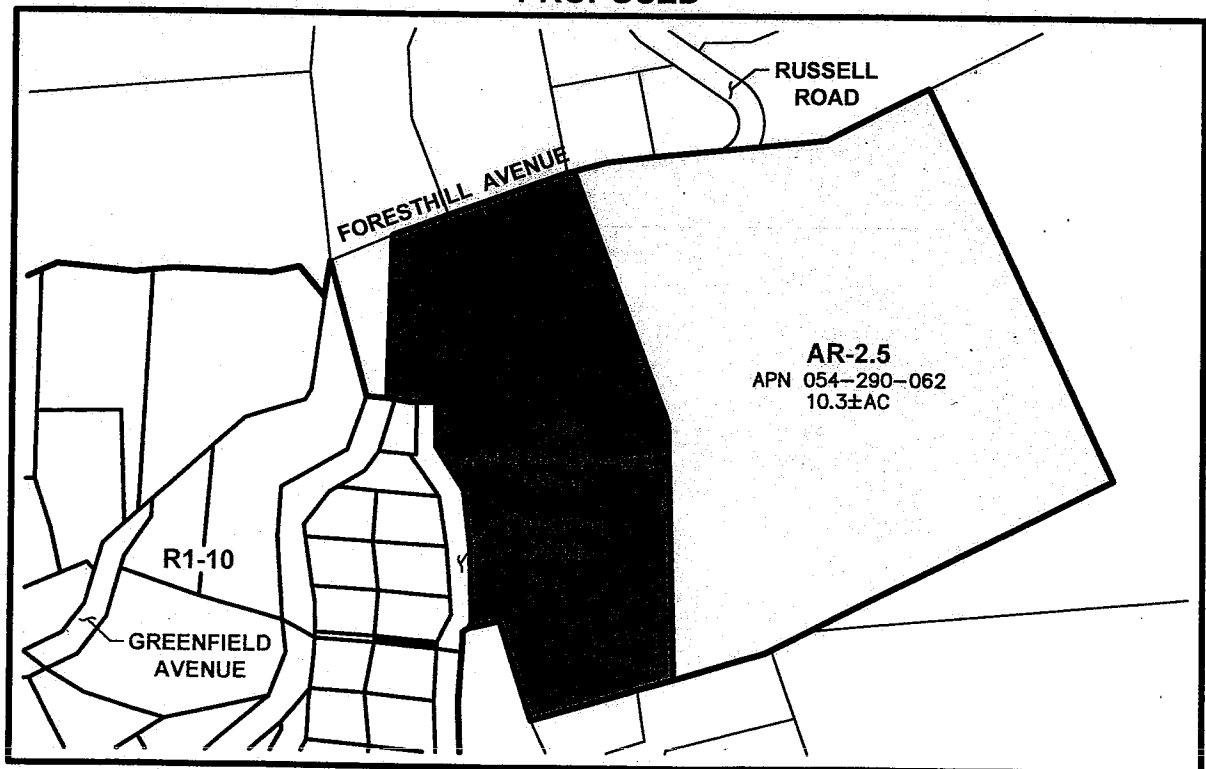
28

# Rezoning Proposal

## EXISTING



## PROPOSED



**ON FILE WITH THE CITY CLERK**

**EXHIBIT**

